

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.134 OF 2006

IN

SUMMARY SUIT NO.3263 OF 2005

Chandur Moriani, Sole Proprietor of
Chandmor Agencies. ...Plaintiff.

vs.

Mukesh Sharma, Sole proprietor of
Tanya Enterprises. ...Defendant.

Mr.Ajit Makhijani with Pratima Y. i/b. M.M.Legal Associates, for
Plaintiff.

Mr.Ajay Misar i/b. Ajay Misar & Co., for Defendant.

CORAM: D.K.DESHMUKH,J.

DATED: 25th July, 2006.

P.C.:-

1. The defendant has been served with the summons for judgment in March,2006. Till today there is no application for leave to defend is filed. The learned Counsel appearing for defendant seeks time to file affidavit but he is not in a position to give any reason as to why he could not file application for leave to defend within 10 days of

service of summons for judgment as required by the provisions of Order 37 of the Civil Procedure Code. As there is no application filed for leave to defend, in terms of Order 37 of C.P.C. the plaintiff becomes entitle to a judgment.

2. Heard the learned Counsel appearing for plaintiff. Perused the record. The summons for judgment is granted. Suit is decreed in terms of prayer clause of the suit. Refund of Court fees as per rules.
